

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Janoblin Brown,)	C/A No.: 1:19-2006-BHH-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
South Carolina Department of)	
Corrections, Timothy Jackson,)	
Damion Gaskin, Laquinta Neals-)	
Rasberry, and Chelsea McRae,)	
)	
Defendants.)	
)	

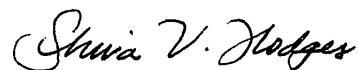
This matter comes before the court on Defendants’ motion to stay proceedings in this matter pursuant to the Servicemembers Civil Relief Act, 50 U.S.C. § 3901, *et seq.* (“SCRA”). [ECF No. 59]. The SCRA provides that the court shall grant a stay of civil proceedings in cases where the application includes the following:

- (A) A letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the servicemember’s ability to appear and stating a date when the servicemember will be available to appear.
- (B) A letter or other communication from the servicemember’s commanding officer stating that the servicemember’s current military duty prevents appearance and that military leave is not authorized for the servicemember at the time of the letter.

50 U.S.C. § 3932(b)(2). Plaintiff’s motion states that defendant Gaskin is a member of the United States Army Reserve and has begun “his specialized

training and is currently in the process of completing said training outside the State of South Carolina.” [ECF No. 59 at 1, 3]. The motion does not state a date when Gaskin will be available to appear and fails to attach a communication from Gaskin’s commanding officer stating that his military duty prevents appearance.¹ Therefore, because Defendants’ motion does not comply with the SCRA requirements, it is denied without prejudice.

IT IS SO ORDERED.



September 30, 2020
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge

¹ In fact, it is not clear from the motion whether counsel has communicated with Gaskin. The motion states “It is worth noting the undersigned counsel is informed to believe that Defendant Gaskin’s wife advised him of receiving the Summons and Second Amended Complaint, but there is no indication that he has been provided a copy of the same or any of the correspondence sent by the undersigned counsel.” [ECF No. 59 at 2].